

I am Sam McClellan, Tribal Council member from the Grand Traverse Band of Ottawa and Chippewa Indians. I am chair of our tribal ICW committee. My wife and I were foster parents for 16 years. We adopted two of these children. My wife was in foster care. We became foster parents because we wanted to provide a Native American home for Native American children.

Our tribe consists of 3684 members. Approximately half of our tribe lives in our six-county service area in Northern Michigan.

I wish to address some needed changes in the Indian Child Welfare Act. But first, let me describe our ICW program.

Our tribal ICW program has 6 functions:

- 1) Prevention service, provided by ICW Family Services caseworkers to families on a voluntary basis, where there is an identified potential for abuse or neglect of children;
- 2) Intervention service, by ICW Family Services caseworkers, when a substantiated report of abuse or neglect occurs within the six-county service area resulting in Tribal or State court involvement.
- 3) Child Protective Service Investigations on Tribal lands, of any reported incident of suspected abuse or neglect of a child less than eighteen years of age;
- 4) Monitoring of all cases outside of the six-county service area involving GTB children placed outside of their parental home, due to substantiated child abuse and or neglect charges;
- 5) Licensing on the reservation of foster care, group or shelter homes;
- 6) Adoption studies and investigative reports to the Indian Child Welfare Committee on all potential adoptions regarding GTB members.
- 7) From October of 2000 through June 13th, 2001, we served 813 persons of whom 460 were children.

WHAT IS WORKING

Tribal social service programs have gained the trust of tribal families and reportedly are viewed as supportive and empowering, as opposed to State social service programs that are often seen as threatening and intimidating. Families seek services when in crisis and are receptive to assistance. There is a direct correlation between the increase in tribal services and a decrease in the number of serious abuse or neglect cases. In over two years, no child has had to be placed in a non-native foster home within the six-county service area. The few cases that required temporary removal were handled on the reservation by relative placement or tribal foster homes.

We are able to use traditional approaches such as the Talking Circle where the family meets with their support people. Over a meal, the family's strengths and weaknesses are discussed. We identify who can assist in helping with youth at risk.

AREAS OF CONCERN

Funding for the ICW program comes primarily from Revenue Allocation Ordinance RAO (tribal) dollars. The 2001 RAO budget request amount was \$383,804. BIA funding total for 2001 was \$65,000. Grant funding has been pursued but so far, no money has been awarded.

The states are not following placement preference as stated in the Indian Child Welfare Act. They use the Good Cause clause to avoid following ICWA criteria for placement.

The services and funding for services are not following the children transferred back to the reservation for placement.

There is frequently no notice to tribes regarding relinquishments in voluntary proceedings.

There is no penalty to the state agencies for lack of compliance with ICWA specifications.

Frequently the judges are uninformed about the ICWA. Some courts don't want to recognize the ICWA.

CONCLUSION

We hope that any ICWA amendments will address these concerns and help to fund some of these tribal services.

Thank you for the opportunity to address you.